



UNITED NATIONS APPEALS TRIBUNAL TRIBUNAL D'APPEL DES NATIONS UNIES

Case No. 2013-428

Williams

(Applicant)

v.

Secretary General of the

International Civil Aviation Organization

(Respondent)

ORDER No. 146 (2013)

1. On 25 February 2013, Mr. Gil B. Williams filed a motion for confidentiality before the United Nations Appeals Tribunal (Appeals Tribunal). On 3 May 2013, the Secretary-General of the International Civil Aviation Organization (Secretary-General and ICAO, respectively) filed a response to the motion, and Mr. Williams filed an additional submission on 11 May 2013.

2. Mr. Williams requests confidentiality of “this appeal and all the supporting documents” so they are “not made available to the public”. He argues that confidentiality is needed because “the false claims levied against [him] could have long-term negative consequences to [his] reputation and [his] future professional prospects” and “due to the sensitive nature of the information surrounding [his] father’s death”.

3. The Secretary-General opposes the motion for confidentiality on several grounds. First, he contends that the reasons proffered by Mr. Williams to support his motion are not relevant to the issue before the Appeals Tribunal, which is whether the appeal is receivable under the ICAO staff rules. Second, he argues that Articles 6 and 8 of the Statute of the Appeals Tribunal require public proceedings unless “exceptional circumstances require the proceedings to be closed” and Mr. Williams has not met the burden of showing such “exceptional circumstances”. Moreover, the “open court” tradition recognizes that bans on the publication of proceedings should not be done merely to protect a party from

embarrassment or against a remote or speculative danger. Third, he contends that since the appeal is not receivable, the motion for confidentiality is “devoid of purpose”.

4. There is no merit to Mr. Williams’s motion for confidentiality. First, paragraph 5 of Practice Direction No. 1 of the Appeals Tribunal provides that “[d]ocuments filed with the Registry are confidential and are not available to the public”. Thus, the documents for which Mr. Williams seeks confidentiality are already protected under Practice Direction No. 1.

5. Moreover, if Mr. Williams is seeking to keep his identity confidential or anonymous in the Judgment to be published by the Appeals Tribunal when it decides his appeal, the Appeals Tribunal has previously determined that “[t]he names of litigants are routinely included in judgments of the internal justice system of the United Nations in the interests of transparency and, indeed, accountability”.¹ And Mr. Williams has not shown any “greater need than any other litigant for confidentiality”.² Staff members of the Organization often challenge employment-related decisions pertaining to their performance or even misconduct before the internal justice system. If confidentiality attached in each case, there would be no transparency regarding the operations of the Organization, which would be contrary to one of the General Assembly’s purposes and goals for the internal justice system.³ Thus, Mr. Williams’s possible embarrassment or discomfort in discussing events at ICAO or events surrounding his father’s death is not good cause to grant the motion for confidentiality.

6. For these reasons, Mr. Williams’s motion for confidentiality is denied.

Original and Authoritative Version: English

Dated 22nd day of July 2013 in
Los Angeles, United States.

(Signed)
Judge Rosalyn Chapman, Duty Judge

Entered in the Register on this 22nd day of July 2013
in New York, United States.

(Signed)
Weicheng Lin, Registrar

¹ *Servas v. Secretary-General of the United Nations*, Order No. 127 (2013).

² *Ibid.*

³ See *Abu Jarbou v. Commissioner-General of the United Nations Relief and Works Agency for Refugees in the Near East*, Judgment No. 2013-UNAT-292.